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December 10, 2003

**FILED ELECTRONICALLY**

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation in Amendment of the Commission's Rules Regarding Dedicated Short Range Communications Services in the 5.850-5.925 GHz Band (5.9 GHz Band), WT Docket No. 01-90 and ET Docket No. 98-95**

Dear Secretary Dortch:

Pursuant to Section 1.1206(b) of the Commission's Rules, 47 CFR § 1.1206(b), notice is hereby provided in the above-referenced dockets regarding an *ex parte* presentation made to Paul Margie, Legal Advisor to Commissioner Michael Copps, by representatives of the Intelligent Transportation Society of America ("ITS America") on December 9, 2003. Attending on behalf of ITS America were Paul Najarian, Director of Telecommunications and Standards, and Robert Kelly and Mark Johnson of Squire, Sanders & Dempsey L.L.P., counsel to ITS America.

The purpose of this meeting was to discuss the issues raised in this proceeding and as set forth in the attached summary outline, which was provided to Mr. Margie.

Please do not hesitate to contact me if there are any questions regarding this submission.

Sincerely,

**- *s* –**

Mark D. Johnson

Attachment
cc (w/ attachment): Paul Margie

# Intelligent Transportation Society of America

**WT Docket No. 01-90 and ET Docket No. 98-95:**
**Amendment of the Commission's Rules Regarding Dedicated Short Range Communications Services in the 5.850-5.925 GHz Band**

**December 2003**

## I. Intelligent Transportation Services

- Application of emerging communications and other technologies to the nation's surface transportation systems and infrastructure to improve traveler safety, decrease traffic congestion, facilitate the reduction of air pollution and converse vital fossil fuels, among many potential benefits;
- Congressional mandate for federal ITS program (in 1998's TEA 21 transportation act): Development of national architecture and supporting standards and protocols that "promote interoperability among and efficiency of intelligent transportation system technologies implemented throughout the United States." TEA 21 also directed FCC to consider allocation of spectrum in a rulemaking by January 1, 2000;
- US Department of Transportation administers federal ITS program: research and development, standards development support, federal funding for state ITS planning and deployment efforts; and
- Intelligent Transportation Society of America is the leading US industry association with over 600 members: automobile and equipment manufacturers, service providers, state and local governments, engineering firms, and software developers.

## II. FCC Support for ITS

- October 1999: FCC allocated 5.850-5.925 GHz band ("5.9 GHz Band) on a co-primary basis for use by Dedicated Short Range Communications ("DSRC") based ITS services. Definition of DSRC services added in Part 90 (47 CFR § 90.7 and 90.371): "Use of non-voice radio techniques to transfer data over short distances between roadside and mobile radio units, between mobile units, and between portable and mobile units to perform operations related to the improvement of traffic flow, traffic safety and other intelligent transportation service applications in a variety of public and commercial environments.";
- July 2000: FCC allocated "511" as the national, three-digit number for accessing traveler information services. Regional and statewide deployment efforts underway; and
- November 2002: FCC released NPRM proposing licensing and services rules for DSRC services in 5.9 GHz Band.

III. Industry Activities

- 511 traveler information systems now deployed in 14 statewide systems and five regional or corridor areas; 10.4 million calls have placed to date to 511;
- Development of industry standards for ITS, including ASTM DSRC transmission standard (ASTM E 2213-03, Standard Specification for Telecommunications and Information Exchange Between Roadside and Vehicle Systems – 5 GHz Band Dedicated Short Range Communications (DSRC) Medium Access Control (MAC) and Physical Layer (PHY)); and
- Rollout and growth of ITS industries, especially telematics, in-vehicle and device navigation, traveler and traffic information, electronic toll collection.

IV. Docket 01-90: Proposed Licensing and Services Rules for 5.9 GHz Band; Key Elements

- Adoption of ASTM DSRC transmission standard;
- Site specific licensing methodology;
- Band Channelization Plan with "Control Channel"; and
- Shared public safety and private use of full spectrum band.

V. Spectrum Sharing

- Potential harmful interference to DSRC fixed stations from FSS earth stations; DSRC stations are not expected to interfere with FSS earth stations;
- ITS America/SIA industry in on-going discussions regarding possible prior coordination protocols/guidelines. Any coordination protocols – whether by industry agreement or FCC rule – should reflect co-primary status of DSRC and FSS services in 5.9 GHz Band and protect first-in-time rights of incumbent FSS earth stations and DSRC stations;
- FCC should not enact any rule now that would be inconsistent with co-primary rights to spectrum; and
- ITS America and SIA filed a joint submission on November 14, 2003 advising the FCC that technical studies are currently underway, and that the parties are continuing their discussions. It is hoped that an agreement on a sharing protocol can be reached sometime in the first quarter of 2004.